

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
HAROLD FORD,	:
	:
Plaintiff,	:
	:
-against-	:
	:
WSP USA, INC.,	:
	:
Defendant.	:
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19 Civ. 11705 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 9, 2020, Defendant filed a letter motion in anticipation of moving to transfer the action to the Eastern District of Texas. Defendant argues that transfer is appropriate under the nine factor test used in *Morris v. Ernst & Young, LLP*, No. 12 Civ. 0838, 2012 WL 3964744, at \*3 (S.D.N.Y. Sept. 11, 2012), because the events giving rise to Plaintiff’s claim occurred in Texas and the Eastern District of Texas would be more convenient to likely witnesses, relevant documents and other evidence. (Dkt. No. 23);

WHEREAS, on May 11, 2020, Plaintiff filed a letter response in opposition to Defendant’s anticipated motion. Plaintiff argues that the consideration of a transfer is premature because Plaintiff’s collective action seeks a national class, and that Defendant’s motion to transfer is designed to restrict the proposed class under *Bristol-Meyers Squibb v. Superior Court of Cal., S.F. Cty.*, 137 S. Ct. 1773 (2017), because Defendant is subject to general jurisdiction in New York and not Texas. Plaintiff also argues that the nine factors do not favor transfer. (Dkt. No. 31);

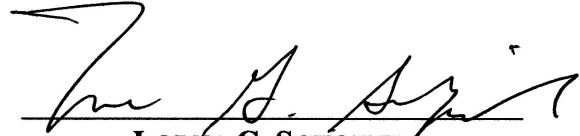
WHEREAS, the initial pretrial conference is scheduled for May 14, 2020, at 10:40 a.m.;

WHEREAS, the Court is likely to rule based on the letters. It is hereby

**ORDERED** that the initial pretrial conference, currently scheduled for May 14, 2020, is ADJOURNED to **May 21, 2020, at 10:40 a.m.** It is further

ORDERED that, by **May 18, 2020**, the parties shall file any supplemental letters, not to exceed three pages. Defendant shall state in its letter whether it is willing to stipulate, if its motion is granted, that it will not challenge the application of personal jurisdiction to itself, or to the claims of putative class members who reside or worked outside of Texas.

Dated: May 12, 2020  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**